



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,341	09/05/2003	Stephen F. Gross	M 6636A CC/CSAP	7801
23657	7590	09/27/2005	EXAMINER	
COGNIS CORPORATION PATENT DEPARTMENT 300 BROOKSIDE AVENUE AMBLER, PA 19002			WEBB, GREGORY E	
			ART UNIT	PAPER NUMBER
			1751	

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,341

Applicant(s)

GROSS ET AL.

Examiner

Gregory E. Webb

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 32504, 9503 GW mailed
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 31 and 35 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. The applicant claims the composition is free of non-ionic surfactants. However, claim 9 from which it depends allows for the inclusion of various non-ionic surfactants including glycol ether surfactants which are well-known to be nonionic. Furthermore, as the methyl esters reduce surface tension and are nonionic, such compounds would also broadly qualify as nonionic surface reducing agents (i.e. surfactant).
4. It is suggested the applicant more clearly define which compounds are excluded as the current term "nonionic surfactant" is relatively broad and when read broadly would encompass many of the applicant's required components.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for

Art Unit: 1751

patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Eenam (US6423677).

Concerning the claimed alkyl ester, Van Eenam teaches the following:

5. A substantially nonaqueous concentrate as set forth in claim 1 wherein said organic solvent is selected from the group consisting of 2-phenoxyethanol, .beta.-phenylethanol, acetophenone, benzyl alcohol, butoxyethyl acetate, isophorone, and the dimethyl esters of mixed succinic, glutaric and adipic acids.(see claim 5)

Concerning the claimed short-chain cosurfactant (i.e. the broad term "alcohols"), Van Eenam teaches the following:

8. A substantially nonaqueous concentrate as set forth in claim wherein

Art Unit: 1751

said surfactant is a nonionic surfactant selected from the group consisting of octyphenoxypoly(ethyleneoxy)(11)ethanol, nonylphenoxypoly(ethyleneoxy)(13)ethanol, dodecylphenoxypoly(ethyleneoxy)(10)ethanol, polyoxyethylene (12) lauryl alcohol, polyoxyethylene (14) tridecyl alcohol, lauryloxypoly (ethyleneoxy)(10)ethyl methyl ether, undecylthiopoly(ethyleneoxy)(12)ethanol, methoxypoly(oxyethylene (10)/(oxypropylene(20))-2-propanol block copolymer, nonyloxypoly(propyleneoxy)(4)-/(ethyleneoxy) (16)ethanol, dodecyl polyglycoside, polyoxyethylene (9) monolaurate, polyoxyethylene (8) monoundecanoate, polyoxyethylene (20) sorbitan monostearate, polyoxyethylene (18) sorbitol monotallate, sucrose monolaurate, lauramidopropyl-N, N-dimethylamine oxide, 1:1 lauric diethanolamide, 1:1 coconut diethanolamide, 1:1 mixed fatty acid diethanolamide, polyoxyethylene(6)lauramide, 1:1 soya diethanolamidopoly(ethyleneoxy)(8)ethanol, and coconut diethanolamide.(see claim 8)

Concerning the preferred glycol ethers, Van Eenam teaches the following:

Upon a dilution of 1:13 with water, the concentrate produced a clear, aqueous solution containing 5.9 weight percent of the organic solvent dipropylene glycol n-butyl ether.(see example 2)

Concerning the anionic surfactant and the preferred anionic surfactant, Van Eenam teaches the following:

7. A substantially nonaqueous concentrate as set forth in claim 1, wherein

Art Unit: 1751

said surfactant is an anionic surfactant selected from the group consisting of dodecylbenzene sulfonic acid, sodium dodecylbenzene sulfonate, potassium dodecylbenzene sulfonate, triethanolamine dodecylbenzene sulfonate, morpholinium dodecylbenzene sulfonate, ammonium dodecylbenzene sulfonate, isopropylamine dodecylbenzene sulfonate, sodium tridecylbenzene sulfonate, sodium dinonylbenzene sulfonate, potassium didodecylbenzene sulfonate, dodecyl diphenyloxide disulfonic acid, sodium dodecyl didiphenyloxide disulfonate, isopropylamine decyl diphenyloxide disulfonate, sodium hexadecyloxypoly(ethyleneoxy)(10)ethyl sulfonate, potassium octylphenoxy-poly(ethylenoxy) (9)ethyl sulfonate, sodium alpha C.sub.12-14 olefin sulfonate, sodium hexadecane-1 sulfonate, sodium ethyl oleate sulfonate, potassium octadecenylsuccinate, sodium oleate, potassium laurate, triethanolamine myristate, morpholinium tallate, potassium tallate, sodium lauryl sulfate, diethanolamine lauryl sulfate, sodium laureth (3) sulfate, ammonium laureth (2) sulfate, sodium nonylphenoxypoly(ethyleneoxy) (4) sulfate, sodium decyloxypoly(ethyleneoxy) (5)methylcarboxylate, sodium mono decyloxypoly(ethyleneoxy) (4)phosphate, sodium didecyloxypoly(ethyleneoxy)(6)phosphate, and potassium mono/di octylphenoxypoly(ethyleneoxy) (9)phosphate.(see claim 7)

Concerning the isopropylamine, Van Eenam teaches the following:

The preferred surfactants for general use in the practice of the invention include dodecylbenzenesulfonic acid and the sodium, potassium,

Art Unit: 1751

triethanolamine, morpholinium, ammonium and isopropylamine salts thereof,
and morpholinium tallate.(see col. 6, lines 40-45)

Claims 1-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Eenam
(US5585341).

Concerning the claimed short-chain cosurfactant, Van Eenam teaches the following:

5. A substantially nonaqueous concentrate as set forth in claim 1 wherein
said surfactant is a nonionic surfactant selected from the group
consisting of octyphenoxypoly(ethyleneoxy)(11)ethanol, nonylphenoxypoly
(ethyleneoxy)(13)ethanol, dodecylphenoxypoly(ethyleneoxy) (10)ethanol,
polyoxyethylene (12) lauryl alcohol, polyoxyethylene (14) tridecyl alcohol,
lauryloxypoly (ethyleneoxy)(10)ethyl methyl ether, undecylthiopoly
(ethylenoxy)(12)ethanol, methoxypoly(oxyethylene
(10)/(oxypropylene(20))-2-propanol block copolymer,
nonyloxypoly(propyleneoxy)(4)-/(ethyleneoxy) (16)ethanol, dodecyl
polyglycoside, polyoxyethylene (9) monolaurate, polyoxyethylene (8)
monoundecanoate, polyoxyethylene (20) sorbitan monostearate,
polyoxyethylene (18) sorbitol monotallate, sucrose monolaurate,
lauramidopropyl-N, N-dimethylamine oxide, 1:1 lauric diethanolamide, 1:1
coconut diethanolamide, 1:1 mixed fatty acid diethanolamide,
polyoxyethylene(6)lauramide, 1:1 soya
diethanolamidopoly-(ethyleneoxy)(8)ethanol, and coconut diethanolamide.(see claim 7)

Art Unit: 1751

Concerning the preferred glycol ethers, Van Eenam teaches the following:

Upon a dilution of 1:13 with water, the concentrate produced a clear, aqueous solution containing 5.9 weight percent of the organic solvent dipropylene glycol n-butyl ether.(see example 2)

Concerning the anionic surfactant and the preferred anionic surfactant, Van Eenam teaches the following:

4. A substantially nonaqueous concentrate as set forth in claim 1 wherein said surfactant is an anionic surfactant selected from the group consisting of dodecylbenzene sulfonic acid, sodium dodecylbenzene sulfonate, potassium dodecylbenzene sulfonate, triethanolamine dodecylbenzene sulfonate, morpholinium dodecylbenzene sulfonate, ammonium dodecylbenzene sulfonate, isopropylamine dodecylbenzene sulfonate, sodium tridecylbenzene sulfonate, sodium dinonylbenzene sulfonate, potassium didodecylbenzene sulfonate, dodecyl diphenyloxide disulfonic acid, sodium dodecyl didiphenyloxide disulfonate, isopropylamine decyl diphenyloxide disulfonate, sodium hexadecyloxypoly (ethyleneoxy)(10)ethyl sulfonate, potassium octylphenoxy-poly(ethylenoxy) (9)ethyl sulfonate, sodium alpha C.sub.12-14 olefin sulfonate, sodium hexadecane-1 sulfonate, sodium ethyl oleate sulfonate, potassium octadecenylsuccinate, sodium oleate, potassium laurate, triethanolamine myristate, morpholinium tallate, potassium tallate, sodium lauryl sulfate, diethanolamine lauryl sulfate, sodium laureth (3) sulfate, ammonium laureth (2) sulfate, sodium nonylphenoxypoly

Art Unit: 1751

(ethyleneoxy)(4) sulfate, sodium decyloxypoly(ethyleneoxy (5)methyl)carboxylate, sodium mono decyloxypoly(ethyleneoxy) (4)phosphate, sodium didecyloxypoly(ethyleneoxy)(6)phosphate, and potassium mono/di octylphenoxypoly(ethyleneoxy) (9)phosphate.(see claim 4)

Concerning the isopropylamine, Van Eenam teaches the following:

The preferred surfactants for general use in the practice of the invention include dodecylbenzenesulfonic acid and the sodium, potassium, triethanolamine, morpholinium, ammonium and isopropylamine salts thereof, and morpholinium tallate.(see col. 6, lines 5-10)

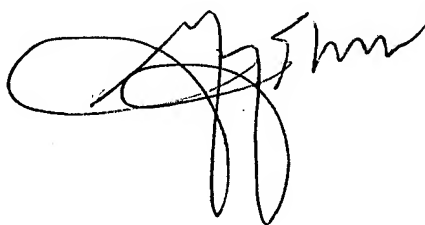
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory E. Webb whose telephone number is 571-272-1325. The examiner can normally be reached on 9:00-17:30 (m-f).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1751

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Gregory E. Webb', with a large, stylized initial 'G' and 'W'.

Gregory E. Webb
Primary Examiner
Art Unit 1751

gew